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**IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH**

**Single Bench**

**Writ Petition No. 3763 of 2004**

PETITIONER:

Chandramani Prasad Mishra,
S/o R.A. Mishra,
Aged about 52 years,
Sub-Engineer (Civil),
Public Works Department,
Sub-Division: Bhilaigarh,
Tehsil: Baloda Bazaar,
District: Raipur, Chhattisgarh.

P.R. 3762/04
Presented by Shri Sanjay K. Agrawal
dated 07.10.04

- Versus -

RESPONDENTS:

1. State of Chhattisgarh,
Through: Secretary,
Deptt. of Public Works,
Mantralaya, D.K.S.Bhawan,
Raipur, Chhattisgarh.

2. Chief Engineer,
Deptt. of Public Works,
Raipur, Chhattisgarh.

3. Executive Engineer,
Deptt. of Public Works,
Sub-Division: Baloda
Bazaar, District: Raipur,
Chhattisgarh.

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7/10/04
Clerk to A.G. Bilaspur

शपथ आयुक्त
बिलासपुर तहसील क्षेत्र

**WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ANY OTHER SUITABLE WRIT OF LIKE NATURE**

The petitioner, above named, most respectfully begs to submit as under: -

1. **PARTICULARS OF THE PETITIONER**: -
As mentioned in the cause title.

2. **PARTICULARS OF THE RESPONDENTS**: -
As mentioned in the cause title.

3. **PARTICULARS OF THE ORDERS AGAINST WHICH THE PRESENT PETITION IS MADE**: -

(67)

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

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**SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.**

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**WRIT PETITION NO.3763 OF 2004**

Petitioner : Chandramani Prasad Mishra

versus

Respondents : State of Chhattisgarh and others

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Present : Mr. Sanjay K. Agrawal, counsel for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the State/respondents.

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**ORDER**

(Passed on 22nd Day of February, 2007)

The petitioner, while working as Sub-Engineer in the Public Works Department at Baloda Bazar Sub-Division has been transferred to the National Highway Division of the said department, at Raipur, vide order dated 20-9-2004 (P-5).

2. No stay order was granted by this Court in this matter. The transfer order dated 20-9-2004 (P-5) must have been executed by the respondents.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to

(68)

pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal